

JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

SHAWNA YEN (CASBN 224447)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5054
Facsimile: (408) 535-5066
Email: shawna.yen2@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | CR 07-0300 JSW |
| |) | |
| Plaintiff, |) | STIPULATION and [Proposed] |
| |) | ORDER CONTINUING CASE AND |
| v. |) | EXCLUDING TIME UNDER THE |
| |) | SPEEDY TRIAL ACT, 18 U.S.C. § 3161 |
| STEVEN JOHN BARNES, |) | |
| |) | |
| Defendant. |) | |

Defendant STEVEN JOHN BARNES, by and through his counsel of record Randy Sue Pollock, and Assistant U.S. Attorney Shawna Yen, hereby stipulate and agree that the status conference presently set for Thursday, March 13, 2008, be continued to March 20, 2008. This continuance is necessary because the Assistant U.S. Attorney assigned to this case is unavailable on March 13, 2008.

The time period from March 13, 2008 and March 20, 2008, would be deemed excludable pursuant to 18 U.S.C. Section 3161(h)(8)(A), to ensure continuity of counsel, and given that the ends of justice served by granting a continuance outweigh the best interests of the public and of the defendant in a speedy trial.

1 Dated: February 26, 2008

/S/
SHAWNA YEN
Assistant U.S. Attorney

4 Dated: February 26, 2008

/S/
RANDY SUE POLLOCK, ESQ.
Counsel for Steven John Barnes

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| UNITED STATES OF AMERICA, |) | CR 07-0300 JSW |
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| Plaintiff, |) | [Proposed] |
| |) | ORDER CONTINUING CASE AND |
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| STEVEN JOHN BARNES, |) | |
| |) | |
| Defendant. |) | |

Based on the stipulation of the parties and for good cause shown, the Court ruled as follows:

IT IS HEREBY ORDERED that this case is continued to March 20, 2008 at 2:30 p.m. for a change of plea hearing or a trial-setting conference before the district court.

IT IS FURTHER ORDERED that the period of time from March 13, 2008 and including March 20, 2008 shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B). The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial because of the unavailability of government counsel on March 13, 2008. Accordingly the time is excluded for continuity of counsel.

1 For the foregoing reasons, the Court finds that the interests of justice in granting this
2 continuance outweigh the defendant's and the public's interests in a speedy trial.

3 Dated this ____ day of February, 2008.

4
5 JEFFREY S. WHITE
6 United States District Judge

7 Copies to be served on:

8 SHAWNA YEN
9 Assistant U.S. Attorney
10 150 Almaden Boulevard, Suite 900
11 San Jose, CA 95113

12 RANDY POLLOCK, ESQ.
13 2871 Telegraph Avenue
14 Oakland, CA 94609
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